

FILED

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Board of Vocational Nursing
and Psychiatric Technicians

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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case.No. VN 2009-3148

11 **RAUL GRACIA HARO**
12 **1202 W. Alameda Avenue, Apt. #B**
13 **Burbank, CA 91506**
Vocational Nurse License No. VN 185001

A C C U S A T I O N

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians, Department of Consumer Affairs.

22 2. On or about June 23, 1998, the Board of Vocational Nursing and Psychiatric
23 Technicians issued Vocational Nurse License Number VN 185001 to Raul Gracia Haro
24 (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on January 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

6. Section 2878 of the Code states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

. . . .

7. Section 2878.5 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the

1 extent that the use impairs his or her ability to conduct with safety to the public the practice
2 authorized by his or her license.

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4 8. California Code of Regulations, title 16, section 2518.6, states in pertinent part:

5 “(b) A licensed vocational nurse shall adhere to standards of the profession and shall
6 incorporate ethical and behavioral standards of professional practice which include but are not
7 limited to the following:

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9 (4) Abstaining from chemical/substance abuse;

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11 “(c) A violation of this section constitutes unprofessional conduct for purposes of initiating
12 disciplinary action.

13 9. California Code of Regulations, title 16, section 2521, states:

14 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
15 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
16 considered to be substantially related to the qualifications, functions or duties of a licensed
17 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
18 vocational nurse to perform the functions authorized by his license in a manner consistent with
19 the public health, safety, or welfare

20 **COST RECOVERY**

21 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
22 request the administrative law judge to direct a licensee found to have committed a violation or
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
24 and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 11. Respondent is subject to disciplinary action under section 2878, subdivision (f), in
4 that he has been convicted of a crime substantially related to the qualifications, functions, and
5 duties of a licensed vocational nurse. The circumstances are as follows:

6 12. On or about May 13, 2010, in the criminal matter entitled *The People of the State of*
7 *California v. Raul G. Haro* (Super. Ct. Los Angeles County, 2010, No. 0MP01707), Respondent
8 entered a plea of nolo contendere and was convicted of violating California Vehicle Code section
9 23152(b) [drive with greater than 0.08% blood alcohol]. Respondent was sentenced to 10 days in
10 jail, placed on probation for 60 months, fined and ordered to participate in an alcohol treatment
11 program.

12 13. The circumstances surrounding Respondents conviction are that on January 17, 2010,
13 Respondent was involved in a single-vehicle accident when he ran off the road and collided with
14 traffic barriers while exiting the 110 freeway near downtown Los Angeles. California Highway
15 Patrol officers responded to the accident and determined that Respondent was under the influence
16 of alcohol. Respondent later submitted to a blood test which registered his blood alcohol content
17 at .22%.

18 14. In addition, on or about August 29, 2000, in the criminal matter entitled *The People of*
19 *the State of California v. Raul G. Haro* (Super. Ct. Los Angeles County, 2000, No. 0SB03919),
20 Respondent entered a plea of nolo contendere and was convicted of violating California Vehicle
21 Code section 23152(b) [drive with greater than 0.08% blood alcohol]. Respondent was placed on
22 probation for 36 months and ordered to attend a DUI first offender program.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct: Dangerous Use of Alcohol)**

25 15. Respondent is subject to disciplinary action under section 2878.5, in conjunction with
26 section 2878, subdivision (a), in that Respondent used alcoholic beverages to an extent and/or in a
27 manner dangerous or injurious to himself and others. Complainant refers to, and by this reference
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1 incorporates, the allegations set forth above in paragraphs 12 - 14, inclusive, as though set forth
2 fully herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Alcohol Abuse)**

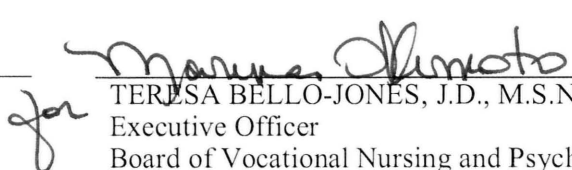
5 16. Respondent is subject to disciplinary action under California Code of Regulations,
6 title 16, section 2518.6, subdivisions (b) and (c), in that Respondent failed to adhere to the
7 standards of the vocational nursing profession by abusing alcohol. Complainant refers to, and by
8 this reference incorporates, the allegations set forth above in paragraphs 12 -14, inclusive, as
9 though set forth fully herein.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
13 issue a decision:

- 14 1. Revoking or suspending Vocational Nurse License Number VN 185001, issued to
15 Raul Gracia Haro;
- 16 2. Ordering Raul Gracia Haro to pay the Board of Vocational Nursing and Psychiatric
17 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.
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22 DATED: July 25, 2011

23 
24 TERESA BELLO-JONES, J.D., M.S.N., R.N.
25 Executive Officer
26 Board of Vocational Nursing and Psychiatric Technicians
27 Department of Consumer Affairs
28 State of California
Complainant

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